United Nations A/53/624

General Assembly

Distr.: General
19 November 1998
English
Original: Arabic

Fifty-third session
Agenda item 109

Right of peoples to self-determination

Report of the Third Committee

Rapporteur: Mr. Hassan Kassem **Najem** (Lebanon)

I. Introduction

1. At its 3rd plenary meeting, on 15 September 1998, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-third session the item entitled "Right of peoples to self-determination" and to allocate it to the Third Committee.

2. The Third Committee considered the item jointly with item 108 at its 23rd to 26th meetings, on 23, 26 and 27 October, and took action at its 31st, 36th, 37th and 47th meetings, on 2, 5, 6 and 16 November 1998. An account of the Committee's discussion of the item is contained in the relevant summary records (A/C.3/53/SR.23–26, 31, 36, 37 and 47).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the right of peoples to self-determination (A/53/280);

(b) Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/53/338);

(c) Letter dated 27 May 1998 from the Permanent Representative of Pakistan to the United Nations addressed to the Secretary-General (A/53/131–S/1998/435);

(d) Letter dated 4 August 1998 from the Permanent Representative of Pakistan to the United Nations addressed to the Secretary-General (A/53/205–S/1998/711);

(e) Letter dated 29 September 1998 from the Permanent Representative of Pakistan to the United Nations addressed to the Secretary-General (A/53/448–S/1998/907).

98-36531 (E) 241198 251198

4. At its 23rd meeting, on 23 October, the Committee heard statements by the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination and the Deputy to the Director, New York Office of the United Nations High Commissioner for Human Rights (see A/C.3/53/SR.23).

II. Consideration of proposals

A. Draft resolution A/C.3/53/L.16

5. At the 31st meeting, on 2 November, the representative of Pakistan, on behalf of *Albania, Azerbaijan, Bosnia and Herzegovina, Brunei Darussalam, Chile, Costa Rica, Egypt,* the *Islamic Republic of Iran, Iraq, Jordan, Kuwait,* the *Libyan Arab Jamahiriya, Malaysia, Mali, Mauritania, Morocco, Oman, Pakistan, Papua New Guinea, Qatar, Saudi Arabia, Singapore, Togo* and the *United Arab Emirates*, subsequently joined by *Thailand*, introduced a draft resolution entitled "Universal realization of the right of peoples to self-determination" (A/C.3/53/L.16).

6. At the 36th meeting, on 5 November, the Committee adopted the draft resolution without a vote (see para. 14 draft resolution I).

B. Draft resolution A/C.3/53/L.17

7. At the 31st meeting, on 2 November, the representative of Cuba, on behalf of *Algeria, Angola, Benin, Botswana, Brunei Darussalam, Burundi, Costa Rica, Cuba,* the *Democratic People's Republic of Korea, Egypt, El Salvador, Eritrea, Ethiopia, Fiji,* the *Islamic Republic of Iran, Iraq, Kenya, Liberia,* the *Libyan Arab Jamahiriya,* the *Niger, Nigeria,* the *Sudan, Swaziland* and *Togo,* subsequently joined by *India*, introduced a draft resolution entitled "Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination" (A/C.3/53/L.17).

8. At the 36th meeting, on 5 November, the representative of Cuba orally revised the draft resolution by adding the words "and also elsewhere" at the end of the fifth preambular paragraph.

9. At the same meeting, the Committee adopted draft resolution A/C.3/53/L.17, as orally revised, by a recorded vote of 93 to 17, with 28 abstentions (see para. 14, draft resolution II). The voting was as follows:[1]

In favour:

Algeria, Angola, Antigua and Barbuda, Armenia, Azerbaijan, Bahamas, Bahrain, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burundi, Cape Verde, Central African Republic, Chile, China, Colombia, Costa Rica, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Eritrea, Ethiopia,

[1] The delegations of Djibouti and Kuwait subsequently indicated that, had they been present, they would have voted for. The delegation of Côte d'Ivoire subsequently indicated that it had intended to vote in favour.

Fiji, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Austria, Belgium, Canada, Denmark, Finland, Germany, Hungary, Iceland, Italy, Japan, Luxembourg, Netherlands, Norway, Sweden, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Andorra, Argentina, Australia, Bulgaria, Côte d'Ivoire, Cyprus, Czech Republic, Estonia, Greece, Ireland, Kazakhstan, Latvia, Liechtenstein, Lithuania, Malta, Monaco, New Zealand, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, Ukraine, Uzbekistan.

10. After the adoption of the draft resolution, a statement was made by the representative of Austria (on behalf of the States Members of the United Nations that are members of the European Union) (see A/C.3/53/SR.36).

C. Draft resolution A/C.3/53/L.26

11. At the 37th meeting, on 6 November, the representative of Egypt, on behalf of *Afghanistan, Algeria, Andorra, Austria, Bahrain, Bangladesh, Belgium, Benin, Botswana, Brazil, Brunei Darussalam, Chile, Cuba, Cyprus, Denmark, Djibouti, Egypt, Finland, France, Germany, Greece, Guinea, Guyana, India, Indonesia, Ireland, Italy, Japan, Jordan, Kuwait,* the *Lao People's Democratic Republic, Lesotho, Liechtenstein, Luxembourg, Madagascar, Malaysia, Mali, Mauritania, Monaco, Morocco, Namibia,* the *Netherlands, Nigeria, Oman, Pakistan, Portugal, Qatar, San Marino, Saudi Arabia, Senegal, South Africa, Spain,* the *Sudan, Suriname, Sweden, Togo, Tunisia,* the *United Arab Emirates,* the *United Kingdom of Great Britain and Northern Ireland,* the *United Republic of Tanzania, Viet Nam, Yemen, Zimbabwe* and *Palestine*, introduced a draft resolution entitled "The right of the Palestinian people to self-determination" (A/C.3/53/L.26). Subsequently *Burkina Faso, Guinea-Bissau, Hungary, Malta, Mozambique* and *Niger* joined in sponsoring the draft resolution.

12. At the 47th meeting, on 16 November, the Committee adopted the draft resolution by a recorded vote of 146 to 2, with 7 abstentions (see para. 14, draft resolution III). The voting was as follows:

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea,

Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Germany, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zimbabwe.

Against:

Israel, United States of America.

Abstaining:

Fiji, Georgia, Kenya, Marshall Islands, Micronesia, Nicaragua, Uruguay.

13. Before the adoption of the draft resolution, statements were made by the representatives of the United States of America and Israel. After the adoption of the draft resolution, statements were made by the representatives of the Syrian Arab Republic, the Russian Federation and Austria (on behalf of the States Members of the United Nations that are members of the European Union) (see A/C.3/53/SR.47).

III. Recommendations of the Third Committee

14. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I

Universal realization of the right of peoples to self-determination

The General Assembly,

Reaffirming the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights,[2] as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Welcoming the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence,

[2] Resolution 2200 A (XXI), annex.

Deeply concerned at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of an increasing number of sovereign peoples and nations,

Expressing grave concern that, as a consequence of the persistence of such actions, millions of people have been and are being uprooted from their homes as refugees and displaced persons, and emphasizing the urgent need for concerted international action to alleviate their condition,

Recalling the relevant resolutions regarding the violation of the right of peoples to self-determination and other human rights as a result of foreign military intervention, aggression and occupation adopted by the Commission on Human Rights at its thirty-sixth,[3] thirty-seventh,[4] thirty-eighth,[5] thirty-ninth,[6] fortieth,[7] forty-first,[8] forty-second,[9] forty-third,[10] forty-fourth,[11] forty-fifth,[12] forty-sixth,[13] forty-seventh,[14] forty-eighth,[15] forty-ninth,[16] fiftieth,[17] fifty-first,[18] fifty-second,[19] fifty-third[20] and fifty-fourth sessions,[21]

Reaffirming its resolutions 35/35 B of 14 November 1980, 36/10 of 28 October 1981, 37/42 of 3 December 1982, 38/16 of 22 November 1983, 39/18 of 23 November 1984, 40/24 of 29 November 1985, 41/100 of 4 December 1986, 42/94 of 7 December 1987, 43/105 of 8 December 1988, 44/80 of 8 December 1989, 45/131 of 14 December 1990, 46/88 of 16 December 1991, 47/83 of 16 December 1992, 48/93 of 20 December 1993, 49/148 of 23 December 1994, 50/139 of 21 December 1995, 51/84 of 12 December 1996 and 52/113 of 12 December 1997,

Taking note of the report of the Secretary-General on the right of peoples to self-determination,[22]

1. *Reaffirms* that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights;

---

[3] See *Official Records of the Economic and Social Council, 1980, Supplement No. 3* and corrigendum (E/1980/13 and Corr.1), chap. XXVI, sect. A.

[4] Ibid., *1981, Supplement No. 5* and corrigendum (E/1981/25 and Corr.1), chap. XXVIII, sect. A.

[5] Ibid., *1982, Supplement No. 2* and corrigendum (E/1982/12 and Corr.1), chap. XXVI, sect. A.

[6] Ibid., *1983, Supplement No. 3* and corrigendum (E/1983/13 and Corr.1), chap. XXVII, sect. A.

[7] Ibid., *1984, Supplement No. 4* and corrigendum (E/1984/14 and Corr.1), chap. II, sect. A.

[8] Ibid., *1985, Supplement No. 2* (E/1985/22), chap. II, sect. A.

[9] Ibid., *1986, Supplement No. 2* (E/1986/22), chap. II, sect. A.

[10] Ibid., *1987, Supplement No. 5* and corrigenda (E/1987/18 and Corr.1 and 2), chap. II, sect. A.

[11] Ibid., *1988, Supplement No. 2* and corrigendum (E/1988/12 and Corr.1), chap. II, sect. A.

[12] Ibid., *1989, Supplement No. 2* (E/1989/20), chap. II, sect. A.

[13] Ibid., *1990, Supplement No. 2* and corrigendum (E/1990/22 and Corr.1), chap. II, sect. A.

[14] Ibid., *1991, Supplement No. 2* (E/1991/22), chap. II, sect. A.

[15] Ibid., *1992, Supplement No. 2* (E/1992/22), chap. II, sect. A.

[16] Ibid., *1993, Supplement No. 3* (E/1993/23), chap. II, sect. A.

[17] Ibid., *1994, Supplement No. 4* and corrigendum (E/1994/24 and Corr.1), chap. II, sect. A.

[18] Ibid., *1995, Supplement No. 3* and corrigenda (E/1995/23 and Corr.1 and 2), chap. II, sect. A.

[19] Ibid., *1996, Supplement No. 3* (E/1996/23), chap. II, sect. A.

[20] Ibid., *1997, Supplement No. 3* (E/1997/23), chap. II, sect. A.

[21] Ibid., *1998, Supplement No. 3,* (E/1998/23), chap. II, sect. A.

[22] A/53/280.

2. *Declares its firm opposition* to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world;

3. *Calls upon* those States responsible to cease immediately their military intervention in and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, particularly the brutal and inhuman methods reportedly employed for the execution of those acts against the peoples concerned;

4. *Deplores* the plight of the millions of refugees and displaced persons who have been uprooted as a result of the aforementioned acts, and reaffirms their right to return to their homes voluntarily in safety and honour;

5. *Requests* the Commission on Human Rights to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation;

6. *Requests* the Secretary-General to report on this question to the General Assembly at its fifty-fourth session under the item entitled "Right of peoples to self-determination".

Draft resolution II

Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The General Assembly,

Recalling its resolution 52/112 of 12 December 1997,

Recalling also all of its relevant resolutions, in which, *inter alia*, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, and recalling further the relevant resolutions of the Security Council and the Organization of African Unity,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, territorial integrity of States, the non-use of force or the threat of force in international relations, and self-determination of peoples,

Reaffirming also that, by virtue of the principle of self-determination, as developed in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[23] all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and every State has the duty to respect this right in accordance with the provisions of the Charter,

Alarmed and concerned about the danger that the activities of mercenaries constitute to peace and security in developing countries, particularly in Africa and in small States, and also elsewhere,

[23] Resolution 2625 (XXV), annex.

Deeply concerned about the loss of life, the substantial damage to property and the negative effects on the polity and economies of affected countries resulting from mercenary aggression and criminal activities,

Convinced that it is necessary for Member States to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, adopted by the General Assembly in 1989,[24] and to develop and maintain international cooperation among States for the prevention, prosecution and punishment of mercenary activities,

Convinced also that, notwithstanding the way in which mercenaries or mercenary-related activities are used or the form they take to acquire some semblance of legitimacy, they are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of human rights by peoples,

1. *Takes note* of the report of the Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination;[25]

2. *Reaffirms* that the recruitment, use, financing and training of mercenaries are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

3. *Urges* all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take necessary legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries for the planning of activities designed to destabilize or overthrow the Government of any State, threaten the territorial integrity and political unity of sovereign States, promote secession, or fight the national liberation movements struggling against colonial or other forms of alien domination or occupation;

4. *Calls upon* all States that have not yet done so to consider taking the necessary action to sign or to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;

5. *Welcomes* the cooperation extended by those countries that have invited the Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination;

6. *Also welcomes* the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

7. *Invites* States to investigate the possibility of mercenary involvement whenever criminal acts of a terrorist nature occur on their territories;

8. *Urges* all States to cooperate fully with the Special Rapporteur in the fulfilment of his mandate;

9. *Requests* the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of mercenaries' activities on the right to self-determination and, when requested and where necessary, to render advisory services to States that are affected by the activities of mercenaries;

---

[24] Resolution 44/34, annex.

[25] A/53/338, annex.

10. *Requests* the Secretary-General to invite Governments to make proposals towards a clearer legal definition of mercenaries;

11. *Requests* the Special Rapporteur to report his findings on the use of mercenaries to undermine the right of peoples to self-determination, with specific recommendations, to the General Assembly at its fifty-fourth session;

12. *Decides* to consider at its fifty-fourth session the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, under the item entitled "Right of peoples to self-determination".

Draft resolution III

The right of the Palestinian people to self-determination

The General Assembly,

Aware that the development of friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples, is among the purposes and principles of the United Nations, as defined in the Charter,

Recalling the International Covenants on Human Rights,[26] the Universal Declaration of Human Rights,[27] the Declaration on the Granting of Independence to Colonial Countries and Peoples[28] and the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights on 25 June 1993,[29]

Recalling also the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[30]

Expressing deep concern over the difficulties facing the Middle East peace process, and expressing the hope for rapid progress in the peace process and the achievement of a final settlement between the Palestinian and Israeli sides within the agreed time,

Affirming the right of all States in the region to live in peace within secure and internationally recognized borders,

1. *Reaffirms* the right of the Palestinian people to self-determination, without excluding the option of a State;

2. *Expresses the hope* that the Palestinian people will soon be exercising their right to self-determination in the current peace process;

3. *Urges* all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in their quest for self-determination.

---

[26] Resolution 2200 A (XXI), annex.

[27] Resolution 217 A (III).

[28] Resolution 1514 (XV).

[29] A/CONF.157/24 (Part I), chap. III.

[30] See resolution 50/6.

A/53/625

Readex
Fiche

United Nations A/53/625

General Assembly

Distr.: General
30 November 1998

English
Original: Arabic

Fifty-third session
Agenda item 110

Human rights questions

Report of the Third Committee

Rapporteur: Mr. Hassan Kassem **Najem** (Lebanon)

I. Introduction

1. At its 3rd plenary meeting, on 15 September 1998, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-third session the item entitled:

"Human rights questions:

"(a) Implementation of human rights instruments;

"(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms;

"(c) Human rights situations and reports of special rapporteurs and representatives;

"(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action;

"(e) Report of the United Nations High Commissioner for Human Rights"

and to allocate it to the Third Committee.

2. For its consideration of the item, the Committee had before it the following documents:

Item 110. Human rights questions

Relevant chapters of the report of the Economic and Social Council for the year 1998[1]

[1] *Official Records of the General Assembly, Fifty-third Session, Supplement No. 3* (A/53/3).

98-37742 (E) 041298

Letter dated 31 December 1997 from the Permanent Representative of Luxembourg to the United Nations addressed to the Secretary-General, transmitting a statement on the situation in Nigeria, issued on 26 December 1997 by the Presidency of the European Union (A/53/58)

Letter dated 20 February 1998 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General, transmitting a statement on the ninth anniversary of the Iranian fatwa against Salman Rushdie, issued on 11 February 1998 by the Presidency of the European Union (A/53/74)

Letter dated 24 February 1998 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General, transmitting a statement on the abolition of the death penalty in Azerbaijan, issued on 19 February 1998 by the Presidency of the European Union (A/53/75)

Letter dated 26 February 1998 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General (A/53/77–S/1998/171);

Letter dated 5 March 1998 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General, transmitting a statement concerning the upsurge of violence in Kosovo, issued on 3 March 1998 by the Presidency of the European Union (A/53/79)

Letter dated 9 March 1998 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General (A/53/80)

Letter dated 8 April 1998 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, transmitting the decree of the President of Azerbaijan on the genocide of Azerbaijanis, issued on 26 March 1998 (A/53/94–S/1998/309)

Letter dated 22 April 1998 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General (A/53/99–S/1998/344)

Letter dated 27 May 1998 from the Permanent Representative of Pakistan to the United Nations addressed to the Secretary-General, transmitting three resolutions adopted by the Azad Jammu and Kashmir Council on 21 March 1998 (A/53/131–S/1998/435)

Letter dated 27 June 1998 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General (A/53/165–S/1998/601)

Letter dated 6 July 1998 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the Secretary-General (A/53/167)

Note verbale dated 28 July 1998 from the Permanent Mission of the Democratic People's Republic of Korea to the United Nations addressed to the Secretary-General (A/53/203)

Letter dated 4 August 1998 from the Permanent Representative of Pakistan to the United Nations addressed to the Secretary-General (A/53/205)

Letter dated 3 August 1998 from the Permanent Representative of Austria to the United Nations addressed to the Secretary-General, transmitting a statement on the elections in Cambodia, issued on 31 July 1998 by the Presidency of the European Union (A/53/214)

Letter dated 3 August 1998 from the Permanent Representative of Austria to the United Nations addressed to the Secretary-General, transmitting a statement on the recent developments in Myanmar issued on 31 July 1998 by the Presidency of the European Union (A/53/215)

Letter dated 12 August 1998 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General (A/53/225–S/1998/747)

Letter dated 3 September 1998 from the Permanent Representative of Austria to the United Nations addressed to the Secretary-General, transmitting a statement on Cambodia, issued on 3 September 1998 by the Presidency of the European Union (A/53/343)

Letter dated 15 September 1998 from the Permanent Representative of Austria to the United Nations addressed to the Secretary-General, transmitting a statement on Myanmar, issued on 11 September 1998 by the Presidency of the European Union (A/53/404)

Letter dated 9 October 1998 from the Permanent Representative of Panama to the United Nations addressed to the Secretary-General, transmitting the Panama City Declaration and the Declaration of Heads of State and Government adopted at the Twelfth Summit of the Rio Group, held in Panama on 4 and 5 September 1998 (A/53/489)

Letter dated 13 October 1998 from the Permanent Representatives of Kazakhstan and the Russian Federation to the United Nations addressed to the Secretary-General (A/53/493–S/1998/908)

Letter dated 12 October 1998 from the Permanent Representative of Eritrea to the United Nations addressed to the Secretary-General (A/53/494–S/1998/949)

Letter dated 12 October 1998 from the Permanent Representative of Greece to the United Nations addressed to the Secretary-General, transmitting the joint statement made by the Heads of State and Government of Bulgaria, Romania and Greece at their meeting in Delphi, Greece, on 4 October 1998 (A/53/497–S/1998/951)

Letter dated 27 October 1998 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General, transmitting the joint declaration made by the Heads of Government of the countries of south-eastern Europe at the summit meeting held at Antalya, Turkey, on 12 and 13 October 1998 (A/53/552–S/1998/1010)

Letter dated 22 October 1998 from the Permanent Representative of Kazakhstan to the United Nations addressed to the Secretary-General (A/53/557)

Letter dated 9 October 1998 from the Permanent Representative of Austria to the United Nations addressed to the Secretary-General, transmitting a statement on Burma/Myanmar, issued on 9 October 1998 by the Presidency of the European Union (A/C.3/53/4)

Letter dated 19 October 1998 from the Permanent Representative of Myanmar to the United Nations addressed to the Secretary-General (A/C.3/53/5)

Note by the Secretariat (A/C.3/53/7)

Letter dated 27 October 1998 from the Permanent Representative of Myanmar to the United Nations addressed to the Secretary-General (A/C.3/53/9)

Letter dated 2 November 1998 from the Permanent Representative of Austria to the United Nations addressed to the Secretary-General, transmitting a statement on Burma/Myanmar, issued on 30 October 1998 by the Presidency of the European Union (A/C.3/53/12)

Letter dated 3 November 1998 from the Permanent Representative of Austria to the United Nations addressed to the Secretary-General, transmitting a statement on the common position concerning Nigeria, issued on 30 October 1998 by the Presidency of the European Union (A/C.3/53/13)

(a) Implementation of human rights instruments

Report of the Human Rights Committee[2]

Report of the Committee against Torture[3]

Report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (A/53/230)

Report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/53/253)

Report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/53/283)

Report of the Secretary-General on the status of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery (A/53/339)

Report of the Secretary-General on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights (A/53/469)

Report of the Secretary-General on the status of the Convention on the Prevention and Punishment of the Crime of Genocide (A/53/565)

Note by the Secretary-General, transmitting the report of the ninth meeting of persons chairing the human rights treaty bodies, convened at Geneva from 25 to 27 February 1998 (A/53/125)

Note by the Secretary-General, transmitting the report of the tenth meeting of persons chairing the human rights treaty bodies, convened at Geneva from 14 to 18 September 1998 (A/53/432)

Letter dated 23 February 1998 from the Chargé d'affaires a.i. of the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General, transmitting the final documents of the eighth session of the Islamic Summit Conference, held at Tehran from 9 to 11 December 1997 (A/53/72–S/1998/156)

Letter dated 8 April 1998 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General, transmitting the final communiqué of the twenty-fifth session of the Islamic Conference of Foreign Ministers, held at Doha from 15 to 17 March 1998 (A/53/95–S/1998/311)

Letter dated 7 May 1998 from the Permanent Representative of Turkmenistan to the United Nations addressed to the Secretary-General (A/53/118)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Report of the Secretary-General on the right to development (A/53/268)

Report of the Secretary-General on human rights and unilateral coercive measures (A/53/293 and Add.1)

Report of the Secretary-General on the question of enforced or involuntary disappearances (A/53/304)

---

[2] *Official Records of the General Assembly, Fifty-third Session, Supplement No. 40* (A/53/40), vols. I and II.

[3] Ibid., *Supplement No. 44* (A/53/44).

Report of the Secretary-General on the strengthening of the rule of law (A/53/309)

Report of the Secretary-General on the United Nations Decade for Human Rights Education, 1995–2004, and public information activities in the field of human rights (A/53/313)

Report of the Secretary-General on regional arrangements for the promotion and protection of human rights (A/53/324)

Report of the Secretary-General on the situation of human rights in Cambodia (A/53/400)

Report of the Secretary-General on respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations: safety and security of humanitarian personnel and protection of United Nations personnel (A/53/501)

Note by the Secretary-General on the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (A/53/279)

Note by the Secretary-General on the Declaration of Principles on Tolerance and the Follow-up Plan of Action for the United Nations Year for Tolerance (A/53/284)

Note by the Secretary-General on extrajudicial, summary or arbitrary executions (A/53/337)

Note by the Secretariat on human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (A/C.3/53/L.5)

Letter dated 23 February 1998 from the Chargé d'affaires a.i. of the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General, transmitting the final documents of the eighth session of the Islamic Summit Conference, held at Tehran from 9 to 11 December 1997 (A/53/72–S/1998/156)

Identical letters dated 11 March 1998 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General and to the President of the General Assembly (A/53/81–S/1998/225)

Letter dated 12 March 1998 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General (A/53/82–S/1998/229)

Letter dated 12 March 1998 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General (A/53/83–S/1998/230)

Letter dated 16 March 1998 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General (A/53/86–S/1998/240)

Letter dated 18 March 1998 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General (A/53/89–S/1998/250)

Letter dated 1 April 1998 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General (A/53/93–S/1998/291)

Letter dated 8 April 1998 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General, transmitting the final communiqué of the twenty-fifth session of the Islamic Conference of Foreign Ministers, held at Doha from 15 to 17 March 1998 (A/53/95–S/1998/311)

Letter dated 17 April 1998 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General (A/53/98–S/1998/335)

Letter dated 23 April 1998 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General (A/53/113–S/1998/345)

Letter dated 30 April 1998 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General (A/53/115–S/1998/365)

Letter dated 18 November 1998 from the Permanent Representative of Egypt to the United Nations addressed to the President of the General Assembly, transmitting the declaration submitted by twenty-six Member States on the occasion of the adoption of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (A/53/679)

Letter dated 16 October 1998 from the Permanent Representative of Greece to the United Nations addressed to the Secretary-General (A/C.3/53/6)

(c) Human rights situations and reports of special rapporteurs and representatives

Report of the Secretary-General on the technical cooperation programme in Haiti (A/53/530)

Report of the Secretary-General on the human rights situation in Kosovo (A/53/563)

Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (A/53/322 and Add.1)

Note by the Secretary-General transmitting the report of the independent expert on the situation of human rights in Haiti (A/53/355)

Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar (A/53/364)

Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo (A/53/365)

Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Nigeria (A/53/366)

Note by the Secretary-General on the Human Rights Field Operation in Rwanda (A/53/367)

Note by the Secretary-General transmitting the report of the Special Representative of the Commission on Human Rights on the situation of human rights in Rwanda (A/53/402)

Note by the Secretary-General transmitting the report of the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran (A/53/423 and Corr.1)

Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq (A/53/433)

Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Burundi (A/53/490)

Note by the Secretary-General on the situation of human rights in the Sudan (A/53/504)

Note by the Secretary-General on the situation of human rights in southern Lebanon and western Bekaa (A/53/537)

Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Afghanistan (A/53/539)

Letter dated 13 March 1998 from the Permanent Representative of Bulgaria to the United Nations addressed to the Secretary-General, transmitting the joint declaration of the

Ministers for Foreign Affairs of countries of south-eastern Europe concerning the situation in Kosovo, adopted at Sofia on 10 March 1998 (A/53/84–S/1998/234)

Letter dated 23 April 1998 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General, transmitting a statement on the withdrawal of the United Nations human rights enquiry team from the Democratic Republic of the Congo issued on 21 April 1998 by the Presidency of the European Union (A/53/114)

Letter dated 8 May 1998 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General, transmitting a statement on the murder of Bishop Gerardi in Guatemala issued on 4 May 1998 by the Presidency of the European Union (A/53/120)

Letter dated 20 July 1998 from the Permanent Representative of Austria to the United Nations addressed to the Secretary-General, transmitting a statement on the report of the United Nations inquiry into human rights violations in the Democratic Republic of the Congo issued on 17 July 1998 by the Presidency of the European Union (A/53/182)

Letter dated 22 July 1998 from the Permanent Representative of Austria to the United Nations addressed to the Secretary-General, transmitting a statement on the situation in Nigeria issued on 22 July 1998 by the Presidency of the European Union (A/53/188)

Letter dated 29 September 1998 from the Permanent Representative of Austria to the United Nations addressed to the Secretary-General, transmitting a statement on the situation in Nigeria, issued on 18 September 1998 by the Presidency of the European Union (A/C.3/53/3)

Letter dated 15 October 1998 from the Permanent Representative of Myanmar to the United Nations addressed to the Secretary-General (A/C.3/53/8)

Letter dated 11 November 1998 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the President of the General Assembly (A/C.3/53/14)

Letter dated 12 November 1998 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the President of the General Assembly (A/C.3/53/15)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

Note by the Secretary-General transmitting the final report of the United Nations High Commissioner for Human Rights on the implementation of the Vienna Declaration and Programme of Action (A/53/372)

(e) Report of the United Nations High Commissioner for Human Rights

Report of the United Nations High Commissioner for Human Rights[4]

[4] Ibid., *Supplement No. 36* (A/53/36).

II. Consideration of a draft decision proposed by the Chairman

3. At its 53rd meeting, on 23 November, on the proposal of the Chairman, the Committee decided to recommend to the General Assembly that it take note of documents considered by the General Assembly in connection with the question of human rights (see para. 4).

III. Recommendation of the Third Committee

4. The Third Committee recommends to the General Assembly the adoption of the following draft decision:

Documents considered by the General Assembly in connection with the question of human rights

The General Assembly takes note of the following documents:

(a) Report of the United Nations High Commissioner for Human Rights;[5]

(b) Report of the Human Rights Committee;[6]

(c) Report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;[7]

(d) Report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture;[8]

(e) Report of the Secretary-General on the status of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery;[9]

(f) Report of the Secretary-General on respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations: safety and security of humanitarian personnel and protection of United Nations personnel;[10]

(g) Report of the Secretary-General on the status of the Convention on the Prevention and Punishment of the Crime of Genocide;[11]

(h) Note by the Secretary-General on implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief;[12]

(i) Note by the Secretary-General on extrajudicial, summary or arbitrary executions;[13]

(j) Note by the Secretary-General on the situation of human rights in the Democratic Republic of the Congo;[14]

---

[5] *Official Records of the General Assembly, Fifty-third Session, Supplement No. 36* (A/53/36).

[6] Ibid., *Supplement No. 40* (A/53/40), vols. I and II.

[7] A/53/253.

[8] A/53/283.

[9] A/53/339.

[10] A/53/501.

[11] A/53/565.

[12] A/53/279.

[13] A/53/337.

[14] A/53/365.

(k) Note by the Secretary-General on the situation of human rights in Burundi;[15]

(l) Note by the Secretary-General on the situation of human rights in the Sudan;[16]

(m) Note by the Secretary-General on the situation of human rights in southern Lebanon and western Bekaa.[17]

---

[15] A/53/490.

[16] A/53/504.

[17] A/53/537.

A/53/625/Add.1

Readex
Fiche

United Nations A/53/625/Add.1

General Assembly

Distr.: General
1 December 1998
English
Original: Arabic

Fifty-third session
Agenda item 110 (a)

Human rights questions: implementation of human rights instruments

Report of the Third Committee*

Rapporteur: Mr. Hassan Kassem **Najem** (Lebanon)

I. Introduction

1. At its 3rd plenary meeting, on 15 September 1998, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-third session the item entitled "Human rights questions: implementation of human rights instruments" and to allocate it to the Third Committee.

2. The Third Committee considered the item at its 28th and 29th meetings, on 29 and 30 October 1998, and took action at its 36th, 46th and 49th meetings, on 5, 13 and 18 November. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/53/SR.28, 29, 36, 46 and 49).

3. For the documents before the Committee under this item, see A/53/625.

4. At the 28th meeting, on 29 October, the Deputy Director, New York office of the United Nations High Commissioner for Human Rights made an introductory statement (see A/C.3/53/SR.28).

* The report of the Committee on this item will be issued in six parts, under the symbol A/53/625 and Add.1–5.

98-37797 (E) 041298

II. Consideration of proposals

A. Draft resolution A/C.3/53/L.21

5. At the 36th meeting, on 5 November, the representative of Mexico, on behalf of *Argentina, Bangladesh, Cape Verde, Chile, Colombia, Cuba*, the *Dominican Republic, Ecuador, El Salvador, Guatemala, Mexico, Morocco, Panama, Paraguay, Peru*, the *Philippines, Sri Lanka, Tunisia, Turkey, Uganda* and *Uruguay*, introduced a draft resolution entitled "International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families" (A/C.3/53/L.21). Subsequently, *Egypt, Ethiopia* and *Yemen* joined in sponsoring the draft resolution.

6. At its 46th meeting, on 13 November, the Committee adopted draft resolution A/C.3/53/L.21 without a vote (see para. 21, draft resolution I).

B. Draft resolution A/C.3/53/L.22 and Rev.1

7. At the 36th meeting, on 5 November, the representative of Canada, on behalf of *Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Cyprus*, the *Czech Republic, Denmark, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Liechtenstein, Lithuania, Luxembourg, Malta*, the *Netherlands, New Zealand, Norway, Portugal, Romania, San Marino, Slovakia, South Africa, Spain, Sweden* and the *United Kingdom of Great Britain and Northern Ireland*, introduced a draft resolution entitled "Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights" (A/C.3/53/L.22), which read:

"*The General Assembly*,

"*Recalling* its resolution 52/118 of 12 December 1997, as well as other relevant resolutions, and taking note of Commission on Human Rights resolution 1998/27 of 17 April 1998,

"*Recalling also* the relevant paragraphs of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[1]

"*Reaffirming* that the full and effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights,[2] to promote universal respect for and observance of human rights and fundamental freedoms,

"*Considering* that the effective functioning of the human rights treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

"*Conscious* of the importance of coordination of the human rights promotion and protection activities of the United Nations bodies active in the field of human rights,

[1] A/CONF.157/24 (Part I), chap. III.

[2] Resolution 217 A (III).

"*Recalling* that the effectiveness of the human rights treaty bodies in encouraging the realization by States parties of their obligations under United Nations human rights instruments requires constructive dialogue, which should be based on the reporting process supplemented by information from all relevant sources and aimed at assisting States parties in identifying solutions to human rights problems,

"*Recalling also* the initiatives taken by a number of human rights treaty bodies to elaborate early-warning measures and urgent procedures, within their mandates, with a view to preventing the occurrence, or recurrence, of serious human rights violations,

"*Reaffirming* its responsibility for the effective functioning of human rights treaty bodies, and reaffirming also the importance of:

"(a) Promoting the effective functioning of the periodic reporting by States parties to those instruments;

"(b) Securing sufficient financial, human and information resources to overcome the under-resourcing of the Office of the United Nations High Commissioner for Human Rights, which impedes the ability of the human rights treaty bodies to carry out their mandates effectively;

"(c) Promoting greater efficiency and effectiveness through better coordination of the activities of the United Nations bodies active in the field of human rights, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks;

"(d) Addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights,

"*Concerned* that lack of adequate resources should not impede the effective functioning of the human rights treaty bodies, including in regard to their ability to work in the applicable working languages,

"*Taking note* of the report of the Secretary-General on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights,[3]

"1. *Welcomes* the submission of the reports of the persons chairing the human rights treaty bodies on their ninth[3] and tenth[4] meetings, held at Geneva from 25 to 27 February 1998 and 14 to 18 September 1998, respectively, and takes note of their conclusions and recommendations;

"2. *Encourages* each treaty body to give careful consideration to the relevant conclusions and recommendations contained in the report of the persons chairing the human rights treaty bodies;

"3. *Welcomes* the submission to the Commission on Human Rights of the final report of the independent expert on enhancing the long-term effectiveness of the United Nations human rights treaty monitoring system,[5] and the report containing the comments and observations of Governments, United Nations bodies and the specialized agencies, non-governmental organizations and interested persons on the report of the independent expert and the Secretary-General's own views on the legal,

[3] A/53/125.

[4] A/53/432.

[5] E/CN.4/1997/74, annex.

administrative and other implications of the report's recommendations,[6] taking into account further developments;

"4. *Invites* the Secretary-General to continue to solicit views of Governments, United Nations bodies and the specialized agencies, non-governmental organizations and interested persons on the final report and to submit a further report thereon, including the Secretary-General's own views on the legal, administrative and other implications of the report's recommendations, taking into account further developments;

"5. *Encourages* ongoing efforts to identify measures for more effective implementation of the United Nations human rights instruments;

"6. *Emphasizes* the need to ensure financing and adequate staff and information resources for the operations of the human rights treaty bodies, and, with this in mind:

"(a) Reiterates its request that the Secretary-General provide adequate resources in respect of each human rights treaty body;

"(b) Calls upon the Secretary-General to make the most efficient use of existing resources and to seek the resources necessary to give the human rights treaty bodies adequate administrative support and better access to technical expertise and relevant information;

"(c) Also calls upon the Secretary-General to seek, in the next biennium, the resources within the United Nations regular budget necessary to give the human rights treaty bodies adequate administrative support and better access to technical expertise and relevant information;

"7. *Takes note with appreciation* of the revised plan of action to strengthen the implementation of the Convention on the Rights of the Child[7] and the plan of action to strengthen implementation of the International Covenant on Economic, Social and Cultural Rights,[8] recalls the importance of administering those plans in accordance with established United Nations procedures, and requests the Secretary-General to include in his report prepared pursuant to the present resolution information on the implementation of those plans of action;

"8. *Notes with interest* the work being done by the United Nations High Commissioner for Human Rights on a plan of action to enhance the resources available to all human rights treaty bodies;

"9. *Reaffirms* the need for human rights treaty bodies to better complement each other in their work, and emphasizes that the universal ratification of international human rights treaties containing reporting obligations adopted within the framework of the United Nations system is important for the realization of that complementarity;

"10. *Welcomes* the continuing efforts by the human rights treaty bodies and the Secretary-General aimed at streamlining, rationalizing, rendering more transparent and otherwise improving reporting procedures, and urges the Secretary-General, the treaty bodies and the meetings of persons chairing the treaty bodies to continue to examine ways of reducing the duplication of reporting required under the different

[6] E/CN.4/1998/85.

[7] Resolution 44/25, annex.

[8] See resolution 2200 A (XXI), annex.

instruments, without impairing the quality of reporting, and of generally reducing the reporting burden on States parties;

"11. *Takes note with appreciation*, in this regard, of the efforts of the persons chairing the human rights treaty bodies, at their ninth and tenth meetings, to develop appropriate reforms of the reporting system, with a view to, *inter alia*, reducing the reporting burden on States parties while maintaining the quality of reporting, and encourages them to continue these efforts, including through the continued examination of the benefits of reports focused on a limited range of issues and of opportunities for harmonizing the general guidelines regarding the form and content of reports, the timing of consideration of reports and the methods of work of the treaty bodies;

"12. *Calls upon* the Secretary-General to complete as soon as possible the detailed analytical study comparing the provisions of the International Covenant on Economic, Social and Cultural Rights,[8] the International Covenant on Civil and Political Rights,[8] the International Convention on the Elimination of All Forms of Racial Discrimination,[9] the Convention on the Elimination of All Forms of Discrimination against Women,[10] the Convention on the Rights of the Child[6] and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[11] which is being prepared with a view to identifying duplication of reporting required under those instruments;

"13. *Urges* States parties to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining, rationalizing, avoiding duplication in and otherwise improving reporting procedures;

"14. *Welcomes* the publication of the revised *Manual on Human Rights Reporting*;

"15. *Underlines* the importance of providing technical assistance to a State in the process of ratifying human rights instruments and for the preparation of its initial reports;

"16. *Requests* the Secretary-General to compile in a single volume all the general guidelines regarding the form and content of reports to be submitted by States parties that have been issued by the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the Child and the Committee against Torture;

"17. *Reiterates its concern* about the increasing backlog of reports on the implementation by States parties of certain United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies;

"18. *Also reiterates its concern* about the large number of overdue reports under the United Nations instruments on human rights, and again urges States parties to make every effort to meet their reporting obligations;

"19. *Invites* States parties that have been unable to comply with the requirements to submit their initial report to avail themselves of technical assistance;

[9] Resolution 2106 A (XX), annex.

[10] Resolution 34/180, annex.

[11] Resolution 39/46, annex.

"20. *Urges* all States parties whose reports have been examined by human rights treaty bodies to provide adequate follow-up to the observations and final comments of the treaty bodies on their reports;

"21. *Encourages* the human rights treaty bodies to continue to identify specific possibilities for technical assistance, to be provided at the request of the State concerned, in the regular course of their work of reviewing the periodic reports of States parties;

"22. *Recalls* the recommendation by the meeting of persons chairing the human rights treaty bodies that treaty bodies urge each State party to translate, publish and make widely available in its territory the full text of the concluding observations on its reports to the treaty bodies;

"23. *Welcomes* the contribution to the work of the human rights treaty bodies made by the specialized agencies and other United Nations bodies, and invites the specialized agencies, other United Nations bodies and the treaty bodies to continue to pursue further cooperation between them;

"24. *Notes* that efforts continue to be made at coordination and cooperation between the human rights treaty bodies and the special procedures, rapporteurs, representatives, experts and working groups of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities, all acting within their respective mandates;

"25. *Recognizes* the important role played by non-governmental organizations in all parts of the world in the effective implementation of all human rights instruments, and encourages the exchange of information between the human rights treaty bodies and such organizations;

"26. *Recalls*, with regard to the election of the members of the human rights treaty bodies, the importance of giving consideration to equitable geographical distribution of membership and to the representation of the principal legal systems and of bearing in mind that the members shall be elected and serve in their personal capacity and shall be of high moral character and recognized competence in the field of human rights;

"27. *Takes note* of the discussion of the payment of honoraria to the members of the human rights treaty bodies included in the report on the effective implementation of international instruments on human rights and of other work being done by the Secretary-General on this subject;

"28. *Encourages* the Economic and Social Council, as well as its functional commissions and their subsidiary bodies, and other United Nations bodies and the specialized agencies to consider the feasibility of participation by representatives of the human rights treaty bodies in their meetings;

"29. *Welcomes* the continuing emphasis by the persons chairing the human rights treaty bodies that the enjoyment of the human rights of women should be monitored closely by each treaty body within the purview of its mandate, and endorses the recommendation made at their tenth meeting that the treaty bodies take full account of the recommendations contained in the report prepared by the Division for the Advancement of Women of the Secretariat;

"30. *Also welcomes* all appropriate measures the human rights treaty bodies may take, within their mandates, in response to situations of massive human rights violations, including bringing those violations to the attention of the United Nations

High Commissioner for Human Rights, the Secretary-General and the competent bodies of the United Nations in the field of human rights, and requests the High Commissioner, acting within her mandate, to coordinate and consult throughout the United Nations system in this regard;

"31. *Requests* the Secretary-General to report to the General Assembly at its fifty-fifth session on measures taken to implement the present resolution, on obstacles to its implementation and on measures taken or planned to ensure financing and adequate staff and information resources for the effective operation of the human rights treaty bodies;

"32. *Decides* to continue giving priority consideration, at its fifty-fifth session, to the conclusions and recommendations of the meetings of persons chairing human rights treaty bodies, in the light of the deliberations of the Commission on Human Rights, under the item entitled 'Human rights questions'."

8. At its 49th meeting, on 18 November, the Committee had before it a revised draft resolution (A/C.3/53/L.22/Rev.1), submitted by *Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Cyprus,* the *Czech Republic, Denmark, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco,* the *Netherlands, New Zealand, Norway, Portugal,* the *Republic of Korea, Romania,* the *Russian Federation, San Marino, Slovakia, South Africa, Spain, Sweden, the former Yugoslav Republic of Macedonia,* and the *United Kingdom of Great Britain and Northern Ireland.*

9. At the same meeting, the representative of Canada orally revised the draft resolution by replacing operative paragraph 32, which had read:

"32. *Also welcomes* all appropriate measures the human rights treaty bodies may take, within their mandates, in response to situations of massive human rights violations, including bringing those violations to the attention of the United Nations High Commissioner for Human Rights, the Secretary-General and the competent bodies of the United Nations in the field of human rights, and requests the High Commissioner, acting within her mandate, to coordinate and consult throughout the United Nations system in this regard"

by the following text:

"32. *Also welcomes* the contributions of the human rights treaty bodies, within their mandates, to the prevention of violations of human rights, in the context of their consideration of reports submitted under their respective treaties".

10. Also at the 49th meeting, the Secretary of the Committee read out a statement of the programme budget implications of the draft resolution.

11. At the same meeting, a vote was requested on operative paragraph 26.

12. Also at the same meeting, the Committee adopted operative paragraph 26 by a recorded vote of 93 to 7, with 38 abstentions. The voting was as follows:

In favour:

Afghanistan, Albania, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Bolivia, Brazil, Bulgaria, Cameroon, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Equatorial Guinea, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lesotho, Liechtenstein,

Lithuania, Luxembourg, Madagascar, Malawi, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Namibia, Nepal, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Senegal, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Swaziland, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Togo, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against:

Cuba, Democratic People's Republic of Korea, Egypt, India, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Syrian Arab Republic.

Abstaining:

Algeria, Angola, Antigua and Barbuda, Bahamas, Bangladesh, Barbados, Bhutan, Brunei Darussalam, Cape Verde, China, Democratic Republic of the Congo, Fiji, Gabon, Guyana, Indonesia, Lao People's Democratic Republic, Lebanon, Malaysia, Mali, Mauritania, Mauritius, Myanmar, Nicaragua, Niger, Nigeria, Pakistan, Papua New Guinea, Saint Lucia, Saudi Arabia, Sierra Leone, Singapore, Sri Lanka, Sudan, Trinidad and Tobago, Tunisia, United Republic of Tanzania, Viet Nam, Yemen.

13. Before the adoption of operative paragraph 26, the representative of the Syrian Arab Republic made a statement, and the representative of India made a statement in explanation of vote; after the adoption of paragraph 26 the representative of Cuba made a statement in explanation of vote (see A/C.3/53/SR.49).

14. Also at the 49th meeting, the Committee adopted draft resolution A/C.3/53/L.22/Rev.1, as orally revised, without a vote (see para. 21, draft resolution II).

15. After the adoption of the draft resolution, the representative of the Syrian Arab Republic made a statement (see A/C.3/53/SR.49).

C. Draft resolution A/C.3/53/L.23

16. At the 36th meeting, on 5 November, the representative of Denmark, on behalf of *Argentina, Australia, Austria, Azerbaijan, Belgium, Bulgaria, Canada, Chile, Costa Rica, Côte d'Ivoire, Cyprus,* the *Czech Republic, Denmark, Finland, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Monaco, Morocco,* the *Netherlands, New Zealand, Norway, Poland, Portugal,* the *Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, South Africa, Spain, Sweden, the former Yugoslav Republic of Macedonia,* the *United Kingdom of Great Britain and Northern Ireland,* the *United States of America* and *Venezuela*, introduced a draft resolution entitled "Torture and other cruel, inhuman or degrading treatment or punishment" (A/C.3/53/L.23). Subsequently, *Bosnia and Herzegovina, Croatia* and *France* joined in sponsoring the draft resolution.

17. At the 49th meeting, on 18 November, the representative of Denmark orally revised the draft resolution as follows:

(a) At the end of operative paragraph 1, the words "on a regular basis" were deleted;

(b) In operative paragraph 9, the words "*Takes note* of the progress" were replaced by the words "*Takes note* of the efforts"; and the words "with a view to establishing" were replaced by the words "which is intended to establish";

(c) In operative paragraph 10, the word "*Welcomes*" was replaced by the words "*Takes note with appreciation* of";

(d) In operative paragraph 11, the words "to respond positively to his requests to visit their countries and to give appropriate effect to his recommendations" were replaced by the words "to give serious consideration to his requests to visit their countries and to the follow-up to his recommendations";

(e) In operative paragraph 12, the words "including Member States" were replaced by the words "in particular Member States";

(f) In operative paragraph 13, the words "notably the programme on crime prevention and criminal justice" were inserted after the words "United Nations programmes";

(g) At the end of operative paragraph 24, the words "the sub-item entitled 'Implementation of human rights instruments'" were replaced by the words "the appropriate sub-items of the agenda".

18. The Committee had before it a statement of the programme budget implications of draft resolution A/C.3/53/L.23, submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly (A/C.3/53/L.62).

19. Also at its 49th meeting, the Committee adopted draft resolution A/C.3/53/L.23, as orally revised, without a vote (see para. 21, draft resolution III).

20. After the adoption of the draft resolution, statements were made by the representatives of Algeria, in which he disassociated his delegation from operative paragraph 11, Egypt and the Syrian Arab Republic (see A/C.3/53/SR.49).

III. Recommendations of the Third Committee

21. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The General Assembly,

Reaffirming once more the permanent validity of the principles and norms set forth in the basic instruments regarding the international protection of human rights, in particular the Universal Declaration of Human Rights,[12] the International Covenants on Human Rights,[13] the International Convention on the Elimination of All Forms of Racial Discrimination,[14] the Convention on the Elimination of All Forms of Discrimination against Women,[15] and the Convention on the Rights of the Child,[16]

[12] Resolution 217 A (III).

[13] Resolution 2200 A (XXI), annex.

[14] Resolution 2106 A (XX), annex.

[15] Resolution 34/180, annex.

[16] Resolution 44/25, annex.

Bearing in mind the principles and norms established within the framework of the International Labour Organization and the importance of the work done in connection with migrant workers and members of their families in other specialized agencies and in various organs of the United Nations,

Reiterating that, despite the existence of an already established body of principles and norms, there is a need to make further efforts to improve the situation and to guarantee respect for the human rights and dignity of all migrant workers and members of their families,

Aware of the situation of migrant workers and members of their families and the marked increase in migratory movements that has occurred, especially in certain parts of the world,

Considering that, in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[17] all States are urged to guarantee the protection of the human rights of all migrant workers and members of their families,

Underlining the importance of the creation and promotion of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia perpetrated in segments of many societies by individuals or groups against migrant workers,

Recalling its resolution 45/158 of 18 December 1990, by which it adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Bearing in mind that, in the Vienna Declaration and Programme of Action, States are invited to consider the possibility of signing and ratifying the Convention at the earliest possible time,

Recalling that, in its resolution 52/115 of 12 December 1997, it requested the Secretary-General to submit to it at its fifty-third session a report on the status of the Convention,

1. *Expresses its deep concern* at the growing manifestations of racism, xenophobia and other forms of discrimination and inhuman or degrading treatment directed against migrant workers in different parts of the world;

2. *Welcomes* the signature or ratification of or accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families by some Member States;

3. *Calls upon* all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority, and expresses the hope that it will enter into force at an early date;

4. *Requests* the Secretary-General to provide all the facilities and assistance necessary for the promotion of the Convention through the World Public Information Campaign on Human Rights and the programme of advisory services in the field of human rights;

5. *Welcomes* the launching of the global campaign for the entry into force of the Convention, and invites the organizations and agencies of the United Nations system and

[17] A/CONF.157/24 (Part I), chap. III.

intergovernmental and non-governmental organizations to intensify their efforts with a view to disseminating information on and promoting understanding of the Convention;

6. *Takes note* of the report of the Secretary-General,[18] and requests him to submit an updated report on the status of the Convention to the General Assembly at its fifty-fourth session;

7. *Decides* to consider the report of the Secretary-General at its fifty-fourth session under the sub-item entitled "Implementation of human rights instruments".

Draft resolution II

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

The General Assembly,

Recalling its resolution 52/118 of 12 December 1997, as well as other relevant resolutions, and taking note of Commission on Human Rights resolution 1998/27 of 17 April 1998,[19]

Recalling also the relevant paragraphs of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[20]

Reaffirming that the full and effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights,[21] to promote universal respect for and observance of human rights and fundamental freedoms,

Considering that the effective functioning of the human rights treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

Conscious of the importance of coordination of the human rights promotion and protection activities of the United Nations bodies active in the field of human rights,

Recalling that the effectiveness of the human rights treaty bodies in encouraging the realization by States parties of their obligations under United Nations human rights instruments requires constructive dialogue, which should be based on the reporting process supplemented by information from all relevant sources and aimed at assisting States parties in identifying solutions to human rights problems,

Recalling also the initiatives taken by a number of human rights treaty bodies to elaborate early-warning measures and urgent procedures, within their mandates, with a view to preventing the occurrence or recurrence of serious human rights violations,

Reaffirming its responsibility for the effective functioning of human rights treaty bodies, and reaffirming also the importance of:

---

[18] A/53/230.

[19] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.

[20] A/CONF.157/24 (Part I), chap. III.

[21] Resolution 217 A (III).

(a) Promoting the effective functioning of the periodic reporting by States parties to those instruments;

(b) Securing sufficient financial, human and information resources to overcome the under-resourcing of the Office of the United Nations High Commissioner for Human Rights, which impedes the ability of the human rights treaty bodies to carry out their mandates effectively;

(c) Promoting greater efficiency and effectiveness through better coordination of the activities of the United Nations bodies active in the field of human rights, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks;

(d) Addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights,

Concerned that lack of adequate resources should not impede the effective functioning of the human rights treaty bodies, including in regard to their ability to work in the applicable working languages,

Taking note of the report of the Secretary-General on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights,[22]

1. *Welcomes* the submission of the reports of the persons chairing the human rights treaty bodies on their ninth[23] and tenth[24] meetings, held at Geneva from 25 to 27 February and 14 to 18 September 1998, respectively, and takes note of their conclusions and recommendations;

2. *Encourages* each treaty body to give careful consideration to the relevant conclusions and recommendations contained in the report of the persons chairing the human rights treaty bodies;

3. *Welcomes* the submission to the Commission on Human Rights of the final report of the independent expert on enhancing the long-term effectiveness of the United Nations human rights treaty monitoring system[25] and of the report containing the comments and observations of Governments, United Nations bodies, the specialized agencies, non-governmental organizations and interested persons on the report of the independent expert, and the Secretary-General's own views on the legal, administrative and other implications of the report's recommendations,[26] taking into account further developments;

4. *Invites* the Secretary-General to continue to solicit the views of Governments, United Nations bodies, the specialized agencies, non-governmental organizations and interested persons on the final report and to submit a further report thereon including his own views on the legal, administrative and other implications of the report's recommendations, taking into account further developments;

5. *Encourages* ongoing efforts to identify measures for more effective implementation of the United Nations human rights instruments;

---

[22] A/53/469.

[23] A/53/125, annex.

[24] A/53/432, annex.

[25] E/CN.4/1997/74, annex.

[26] E/CN.4/1998/85.

6. *Emphasizes* the need to ensure financing and adequate staff and information resources for the operations of the human rights treaty bodies, and, with this in mind:

(a) Reiterates its request that the Secretary-General provide adequate resources in respect of each human rights treaty body;

(b) Calls upon the Secretary-General to make the most efficient use of existing resources and to seek the resources necessary to give the human rights treaty bodies adequate administrative support and better access to technical expertise and relevant information;

(c) Also calls upon the Secretary-General to seek, in the next biennium, the resources within the United Nations regular budget necessary to give the human rights treaty bodies adequate administrative support and better access to technical expertise and relevant information without diverting resources from the development programmes and activities of the United Nations;

7. *Takes note with appreciation* of the revised plan of action to strengthen the implementation of the Convention on the Rights of the Child[27] and the plan of action to strengthen the implementation of the International Covenant on Economic, Social and Cultural Rights,[28] recalls the importance of administering those plans in accordance with established United Nations procedures, welcomes the information provided by the Secretary-General on the implementation of those plans, and requests him to include in his report prepared pursuant to the present resolution further information in this regard;

8. *Notes with interest* the work being done by the United Nations High Commissioner for Human Rights on a plan of action to enhance the resources available to all human rights treaty bodies;

9. *Reaffirms* the need for human rights treaty bodies to better complement each other in their work, and emphasizes that the universal ratification of international human rights treaties containing reporting obligations adopted within the framework of the United Nations system is important for the realization of that complementarity;

10. *Welcomes* the continuing efforts by the human rights treaty bodies and the Secretary-General aimed at streamlining, rationalizing, rendering more transparent and otherwise improving reporting procedures, and urges the Secretary-General, the treaty bodies and the meetings of persons chairing the treaty bodies to continue to examine ways of reducing the duplication of reporting required under the different instruments, without impairing the quality of reporting, and of generally reducing the reporting burden on States parties;

11. *Takes note with appreciation*, in this regard, of the efforts of the persons chairing the human rights treaty bodies, at their ninth and tenth meetings, to propose appropriate reforms of the reporting system, with a view to, *inter alia*, reducing the reporting burden on States parties while maintaining the quality of reporting, and encourages them to continue these efforts, including through the continued examination of the benefits of reports focused on a limited range of issues and of opportunities for harmonizing the general guidelines regarding the form and content of reports, the timing of consideration of reports and the methods of work of the treaty bodies;

12. *Invites* the Chairperson of the periodic meetings of the persons chairing the human rights treaty bodies to submit the reports of the meetings to the General Assembly at its fifty-fifth session;

---

[27] Resolution 44/25, annex.

[28] See resolution 2200 A (XXI), annex.

13. *Welcomes* the initiative undertaken by the persons chairing the human rights treaty bodies of inviting representatives of Member States to participate in a dialogue in the framework of their periodic meetings, and encourages them to continue this practice in the future;

14. *Calls upon* the Secretary-General to complete as soon as possible the detailed analytical study comparing the provisions of the International Covenant on Economic, Social and Cultural Rights,[28] the International Covenant on Civil and Political Rights,[28] the International Convention on the Elimination of All Forms of Racial Discrimination,[29] the Convention on the Elimination of All Forms of Discrimination against Women,[30] the Convention on the Rights of the Child[27] and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[31] which is being prepared with a view to identifying duplication of reporting required under those instruments;

15. *Urges* States parties to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining, rationalizing, avoiding duplication in and otherwise improving reporting procedures;

16. *Welcomes* the publication of the revised *Manual on Human Rights Reporting*;

17. *Underlines* the importance of providing technical assistance to a State, upon its request, in the process of ratifying human rights instruments and in the preparation of its initial reports;

18. *Requests* the Secretary-General to compile in a single volume all the general guidelines regarding the form and content of reports to be submitted by States parties that have been issued by the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the Child and the Committee against Torture;

19. *Reiterates its concern* about the increasing backlog of reports on the implementation by States parties of certain United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies;

20. *Also reiterates its concern* about the large number of overdue reports under the United Nations instruments on human rights, and again urges States parties to make every effort to meet their reporting obligations;

21. *Invites* States parties that have been unable to comply with the requirements to submit their initial report to avail themselves of technical assistance;

22. *Urges* all States parties whose reports have been examined by human rights treaty bodies to provide adequate follow-up to the observations and final comments of the treaty bodies on their reports;

23. *Encourages* the human rights treaty bodies to continue to identify specific possibilities for technical assistance, to be provided at the request of the State concerned, in the regular course of their work of reviewing the periodic reports of States parties;

24. *Recalls* the recommendation by the meeting of persons chairing the human rights treaty bodies that treaty bodies urge each State party to translate, publish and make widely

[29] Resolution 2106 A (XX), annex.
[30] Resolution 34/180, annex.
[31] Resolution 39/46, annex.

available in its territory the full text of the concluding observations on its reports to the treaty bodies;

25. *Welcomes* the contribution to the work of the human rights treaty bodies made by the specialized agencies and other United Nations bodies, and invites the specialized agencies, other United Nations bodies and the treaty bodies to continue to pursue further cooperation between them;

26. *Notes* that efforts continue to be made at coordination and cooperation between the human rights treaty bodies and the special procedures, rapporteurs, representatives, experts and working groups of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities, all acting within their respective mandates;

27. *Recognizes* the important role played by non-governmental organizations in all parts of the world in the effective implementation of all human rights instruments, and encourages the exchange of information between the human rights treaty bodies and such organizations;

28. *Recalls*, with regard to the election of the members of the human rights treaty bodies, the importance of giving consideration to equitable geographical distribution of membership and to the representation of the principal legal systems and of bearing in mind that the members shall be elected and serve in their personal capacity and shall be of high moral character, acknowledged independence and recognized competence in the field of human rights, and encourages States parties, individually and through meetings of States parties, to consider how to give better effect to these principles;

29. *Takes note* of the discussion of the payment of honorariums to the members of the human rights treaty bodies included in the report on the effective implementation of international instruments on human rights[22] and of other work being done by the Secretary-General on this subject;

30. *Encourages* the Economic and Social Council, as well as its functional commissions and their subsidiary bodies, other United Nations bodies and the specialized agencies to consider the feasibility of participation by representatives of the human rights treaty bodies in their meetings;

31. *Welcomes* the continuing emphasis by the persons chairing the human rights treaty bodies that the enjoyment of the human rights of women should be monitored closely by each treaty body within the purview of its mandate, and, in this context, notes the recommendation made at their tenth meeting[24] that the treaty bodies take full account of the recommendations contained in the report prepared by the Division for the Advancement of Women of the Secretariat;[32]

32. *Also welcomes* the contributions of the human rights treaty bodies, within their mandates, to the prevention of violations of human rights, in the context of their consideration of reports submitted under their respective treaties;

33. *Requests* the Secretary-General to report to the General Assembly at its fifty-fifth session on measures taken to implement the present resolution, on obstacles to its implementation and on measures taken or planned to ensure financing and adequate staff and information resources for the effective operation of the human rights treaty bodies;

34. *Decides* to continue to give priority consideration at its fifty-fifth session to the conclusions and recommendations of the meetings of persons chairing human rights treaty

[32] HRI/MC/1998/6.

bodies, in the light of the deliberations of the Commission on Human Rights, under the item entitled "Human rights questions".

Draft resolution III

Torture and other cruel, inhuman or degrading treatment or punishment

The General Assembly,

Recalling article 5 of the Universal Declaration of Human Rights,[33] article 7 of the International Covenant on Civil and Political Rights,[34] the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[35] and its resolution 39/46 of 10 December 1984, by which it adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and all its subsequent relevant resolutions,

Recalling that the World Conference on Human Rights, held at Vienna in 1993, firmly declared that efforts to eradicate torture should, first and foremost, be concentrated on prevention, and called for the early adoption of an optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which is intended to establish a preventive system of regular visits to places of detention,[36]

Urging all Governments to promote the speedy and full implementation of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[37] in particular, the section relating to freedom from torture, in which it is stated that States should abrogate legislation leading to impunity for those responsible for grave violations of human rights such as torture, and prosecute such violations, thereby providing a firm basis for the rule of law,[38]

Recalling its resolution 36/151 of 16 December 1981, in which it noted with deep concern that acts of torture took place in various countries, recognized the need to provide assistance to the victims in a purely humanitarian spirit and established the United Nations Voluntary Fund for Victims of Torture,

Recalling the recommendation in the Vienna Declaration and Programme of Action that high priority should be given to providing the necessary resources to assist victims of torture and effective remedies for their physical, psychological and social rehabilitation, *inter alia*, through additional contributions to the Fund,[39]

Noting with satisfaction the existence of a considerable international network of centres for the rehabilitation of torture victims, which plays an important role in providing assistance to victims of torture, and the collaboration of the Fund with the centres,

Mindful of the proclamation by the General Assembly in its resolution 52/149 of 12 December 1997 of 26 June as United Nations International Day in Support of Victims of Torture,

---

[33] Resolution 217 A (III).

[34] See resolution 2200 A (XXI), annex.

[35] Resolution 3452 (XXX), annex.

[36] A/CONF.157/24 (Part I), chap. III, sect. II, para. 61.

[37] A/CONF.157/24 (Part I), chap. III.

[38] Ibid., sect. II, paras. 54–61.

[39] Ibid., para. 59.

1. *Welcomes* the report of the Committee against Torture,[40] submitted in accordance with article 24 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and authorizes the Secretary-General to extend the spring sessions of the Committee by one additional week;

2. *Notes with appreciation* that one hundred and six States have become parties to the Convention;

3. *Urges* all States that have not yet done so to become parties to the Convention as a matter of priority;

4. *Invites* all States ratifying or acceding to the Convention and those States that are parties to the Convention and that have not yet done so to consider joining the States parties that have already made the declarations provided for in articles 21 and 22 of the Convention and to consider the possibility of withdrawing their reservations to article 20;

5. *Urges* all States parties to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;

6. *Urges* States parties to comply strictly with their obligations under the Convention, including their obligation to submit reports in accordance with article 19 of the Convention, in view of the high number of reports not submitted, and invites States parties to incorporate a gender perspective when submitting reports to the Committee;

7. *Commends* the Office of the United Nations High Commissioner for Human Rights for the support given to States in the preparation of national reports for submission to the Committee;

8. *Urges* States parties to take fully into account the conclusions and recommendations made by the Committee after its consideration of their reports;

9. *Takes note* of the efforts made by the open-ended working group of the Commission on Human Rights on the elaboration of an optional protocol to the Convention, which is intended to establish a preventive system of regular visits to places of detention, and urges the Commission on Human Rights to complete as soon as possible a final text for submission to the General Assembly, through the Economic and Social Council, for consideration and adoption;

10. *Takes note with appreciation* of the interim report presented orally by the Special Rapporteur of the Commission on Human Rights on the question of torture and other cruel, inhuman or degrading treatment or punishment, describing the overall trends and developments with regard to his mandate;

11. *Calls upon* all Governments to cooperate with and to assist the Special Rapporteur in the performance of his task, in particular by supplying all necessary information requested by him, to react appropriately and expeditiously to his urgent appeals, and to give serious consideration to his requests to visit their countries and to the follow-up to his recommendations;

12. *Approves* the methods of work employed by the Special Rapporteur, in particular as regards urgent appeals, reiterates his need to be able to respond effectively to credible and reliable information that comes before him, invites him to continue to seek the views and comments of all concerned, in particular Member States, in the elaboration of his report, and expresses its appreciation for the discreet and independent way in which he continues to carry out his work;

---

[40] *Official Records of the General Assembly, Fifty-third Session, Supplement No. 44* (A/53/44).

13. *Stresses* the need for regular exchanges of views between the Committee, the Special Rapporteur and other relevant United Nations mechanisms and bodies, as well as for the pursuance of cooperation with relevant United Nations programmes, notably the programme on crime prevention and criminal justice, with a view to enhancing further their effectiveness and cooperation on issues relating to torture, *inter alia*, by improving their coordination;

14. *Expresses its gratitude and appreciation* to the Governments, organizations and individuals that have already contributed to the United Nations Voluntary Fund for Victims of Torture;

15. *Appeals* to all Governments, organizations and individuals to respond favourably to requests for contributions to the Fund, if possible on a regular basis and annually before the meeting of the Board of Trustees of the Fund, preferably by the end of February, and if possible also with a substantial increase in the level of contributions, so that consideration may be given to the increasing demand for assistance;

16. *Requests* the Secretary-General to transmit to all Governments the appeals of the General Assembly for contributions to the Fund;

17. *Requests* the Secretary-General to continue to include the Fund on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

18. *Expresses its appreciation* to the Board of Trustees of the Fund for the work it has accomplished;

19. *Requests* the Secretary-General to assist the Board of Trustees of the Fund in its appeal for contributions and its efforts to make better known the existence of the Fund and the financial means currently available to it, as well as in its assessment of the global need for international funding of rehabilitation services for torture victims and, in this effort, to make use of all existing possibilities, including the preparation, production and dissemination of information materials;

20. *Requests* the Secretary-General to ensure the provision of adequate staff and facilities for the bodies and mechanisms that combat torture and assist victims of torture, commensurate with the strong support expressed by Member States for combating torture and assisting victims of torture;

21. *Invites* donor and recipient countries to consider including in their bilateral programmes and projects relating to the training of armed forces, security forces, prison personnel and police personnel, as well as health-care personnel, matters relating to the protection of human rights and the prevention of torture and to keep in mind a gender perspective;

22. *Calls upon* all Governments, the United Nations High Commissioner for Human Rights and other United Nations bodies and agencies, as well as relevant intergovernmental and non-governmental organizations, to commemorate, on 26 June, United Nations International Day in Support of Victims of Torture;

23. *Requests* the Secretary-General to submit to the Commission on Human Rights at its fifty-fifth session and to the General Assembly at its fifty-fourth session a report on the status of the Convention and a report on the operations of the Fund;

24. *Decides* to consider the reports of the Secretary-General, including the report on the United Nations Voluntary Fund for Victims of Torture, the report of the Committee against Torture and the interim report of the Special Rapporteur, at its fifty-fourth session under the appropriate sub-items of the agenda.